

# EXHIBIT “B”

IN THE CIRCUIT COURT OF THE 9th JUDICIAL CIRCUIT  
OF FLORIDA, IN AND FOR ORANGE COUNTY

EverHome Mortgage Company

Plaintiff,

-vs-

Derek F. Gay a/k/a Derek Gay and Henry V. Haskins, Jr. a/k/a Henry Haskins; Mortgage Electronic Registration Systems, Inc., as Nominee for GMAC Mortgage Corporation d/b/a Ditech.com; Unknown Tenants in Possession #1; Unknown Tenants in Possession #2; If living, and all Unknown Parties claiming by, through, under and against the above named Defendant(s) who are not known to be dead or alive, whether said Unknown Parties may claim an interest as Spouse, Heirs, Devisees, Grantees, or Other Claimants

Case #:  
Division #:

Defendant(s).

**VERIFIED COMPLAINT TO FORECLOSE MORTGAGE**

Comes Now, Plaintiff, EverHome Mortgage Company by and through the undersigned counsel and hereby files its complaint and in support thereof states as follows:

**COUNT I**  
**MORTGAGE FORECLOSURE**

1. This is an action to foreclose a mortgage on real property located in Orange County, Florida, and by reason thereof the venue of this matter is in Orange County, Florida.
2. This court has jurisdiction of the subject matter pursuant to Florida Statute §26.012.

3. On February 25, 2003, there was executed and delivered a Promissory Note and a Mortgage securing payment of said Note to the payee named thereon. The Mortgage was recorded in Official Records Book 6811, Page 1316, of the Public Records of Orange County, Florida, the property then owned by and in possession of mortgagor. A true and correct copy of said Note and Mortgage is attached hereto as Exhibit "A" and Exhibit "B".

4. The Defendants, Derek Gay and Henry Haskins, executed the Mortgage.

5. The Defendants, Derek Gay and Henry Haskins, are the makers of the subject Note.

6. Federal National Mortgage Association is the owner of the note. Plaintiff is the servicer of the loan and is the holder of the note. Federal National Mortgage Association has authorized Plaintiff to bring this action.

7. The Mortgage of the Plaintiff is a purchase money mortgage being a lien superior in dignity to any prior or subsequent right, title, claim, lien or interest arising out of mortgagee or the mortgagee's predecessors in interest.

8. The Defendants, Derek F. Gay a/k/a Derek Gay and Henry V. Haskins, Jr. a/k/a Henry Haskins, are the current owners of the real property.

9. All conditions precedent to the acceleration of the Note and Mortgage and/or the filing of the instant foreclosure complaint have been fulfilled.

10. There has been a default in the payment of the amounts due under the subject Note and Mortgage in that the payment due for May 1, 2010 and all subsequent payments have not been made. Plaintiff declares the full amount payable under said Note and Mortgage to be due and payable.

11. The Defendants who may be held personally liable for a deficiency, if any, are the Notemakers Derek Gay and Henry Haskins, unless any of such Defendants have been discharged in Bankruptcy in which event no deficiency is or will be sought.

12. There is now due and owing the principal sum of \$146,210.98 together with interest accruing thereon, together with all sums that may be due for taxes, insurance, escrow advances, and expenses and costs of suit including but not limited to filing fees, recording fees, title search and examination fees, fees due for service of process and such other costs as may be allowed by the Court.

13. Plaintiff is obligated to pay Plaintiff's attorney a reasonable fee for their services and seeks an award of attorney's fees.

14. That the Defendant, Mortgage Electronic Registration Systems, Inc., as Nominee for GMAC Mortgage Corporation d/b/a Ditech.com, might have some claim or demand in the subject property by virtue of a Mortgage in the amount of \$62,000.00, dated on May 17, 2006, filed in Official Records Book 8714, Page 2540, of the Public Records of Orange County, Florida, and all other rights, claims, liens, interest, encumbrances and equities, either recorded or unrecorded, if any in the subject real property. The above-described interest of said Defendant(s) in the subject property is inferior to the interest of the Plaintiff in said property.

15. That the Defendants, UNKNOWN TENANTS IN POSSESSION #1; UNKNOWN TENANTS IN POSSESSION #2, might have some claim or demand in the subject real property by virtue of possession, whether by tenancy from the record title holder or mere possession only.

WHEREFORE, the Plaintiff respectfully requests that the Court ascertain the amount due Plaintiff pursuant to said Note and Mortgage, together with late charges, escrow,

advances, taxes, and expenses and costs of this suit, including reasonable attorney's fees, that if the sums found to be due Plaintiff are not immediately paid, the Court enter a Judgment of Foreclosure pursuant to Count I of the Complaint ordering the Clerk of the Court to sell the subject property to satisfy Plaintiff's Mortgage in whole or in part, and that the right, title and interest of any defendant, or any party claiming by, through, under or against any defendant named herein or hereinafter made a defendant be deemed inferior and subordinate to the Plaintiff's Mortgage lien and be forever barred and foreclosed, and the court retain jurisdiction of this action to make any and all further orders and judgments as may be necessary and proper, including issuance of a writ of possession and the entry of a deficiency, when and if such deficiency is sought if the parties liable under the note have not been discharged in Bankruptcy, and for such other and further relief as to the Court may seem just and proper.

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GINA M. ESPOSITO  
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FLA. R. CIV. P. 1.110(b) VERIFICATION

"Under penalty of perjury, I declare that I have read the foregoing, and the facts alleged therein are true and correct to the best of my knowledge and belief."

By: E. Michele de Craen  
Print Name: E. Michele de Craen  
EverHome Mortgage Company

This is an attempt to collect a debt and any information obtained will be used for that purpose.  
10-193774